

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

The Village of Arlington Heights)	
)	
Petitioner,)	
)	
v.)	
)	
Union Pacific Railroad and the Department)	
of Transportation of the State of Illinois)	
)	
Respondents.)	

Petition for an Order of the Illinois Commerce Commission, pursuant to 625 ILCS 5/18c-7401, allowing modification to grade crossing at Arthur Avenue and E. Davis Street.

NOTICE OF FILING


TO: Mack H. Shumate, Jr.
Union Pacific Railroad Company
101 N. Wacker Drive, Suite 1920
Chicago, IL 60606
Email: mackhshumate@up.com

Illinois Department of Transportation
Office of the General Counsel
2300 South Dirksen Parkway, Room 300
Springfield, IL 62764

PLEASE TAKE NOTICE that on November 6, 2008, the undersigned caused to be filed with the Clerk of the Court in the above-captioned matter, the Village of Arlington Heights' Petition for Order Allowing Modification of Railroad Crossing, a copy of which is herewith served upon you.

Dated: November 6, 2008

Respectfully submitted,
VILLAGE OF ARLINGTON HEIGHTS,
a municipal corporation, Petitioner

By:  _____
One of Its Attorneys

JACK M. SIEGEL
ADAM M. KINGSLEY
Holland & Knight LLP (#37472)
131 South Dearborn Street, 30th Floor
Chicago, Illinois 60603
(312) 263-3600

CERTIFICATE OF SERVICE

I, **ADAM M. KINGSLEY**, an attorney, on oath state that the foregoing Village of Arlington Heights' Petition for Order Allowing Modification of Railroad Crossing, and respective Notice of Filing was served upon the below-named counsel(s):

VIA ELECTRONIC MAIL:

Mack H. Shumate, Jr.
Union Pacific Railroad Company
101 N. Wacker Drive, Suite 1920
Chicago, IL 60606
Email: mackhshumate@up.com

VIA U.S. MAIL SERVICE:

Illinois Department of Transportation
Office of the General Counsel
2300 South Dirksen Parkway, Room 300
Springfield, IL 62764

on this 6th day of November, 2008.



Adam M. Kingsley

STATE OF ILLINOIS
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The Village of Arlington Heights)	
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Union Pacific Railroad and the Department)	
of Transportation of the State of Illinois)	
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Petition for an Order of the Illinois Commerce
Commission, pursuant to 625 ILCS 5/18c-7401,
allowing modification to grade crossing at
Arthur Avenue and E. Davis Street.

PETITION FOR ORDER ALLOWING MODIFICATION OF RAILROAD CROSSING

The Village of Arlington Heights ("Village"), pursuant to 65 ILCS 5/18c-7401(3), hereby petitions the Commission for an Order allowing the Village and the Department of Transportation of the State of Illinois (the "Department") to make modifications to an at-grade railroad crossing located on Arthur Avenue between US 14 (Northwest Highway) and East Davis Street in the Village. In support, the Village states as follows:

1. The Village is an Illinois municipal corporation.
2. The Union Pacific Railroad Company has an existing railroad track that extends in a generally southeast/northwest direction through the Village.
3. Between US 14 and East Davis Street, Arthur Avenue serves as the roadway crossing the Union Pacific tracks with one travel lane in each direction and an overall roadway

width of 32 feet. Attached as Exhibit A is a photograph generally depicting the intersection and crossing as it exhibits today.

4. The US 14/ E. Davis Street / Arthur Ave. intersection currently operates at Level of Service (LOS) F. The intersection has been found to be a High Accident Location. The roadway geometry at the Arthur Ave. railroad crossing is inadequate to properly accommodate the vehicles that use the railroad crossing. For example, because of the small corner radii, large vehicles must perform wide turning movements as they enter the crossing. To make these wider turns, trucks must travel through the crossing at substantially lower speeds reducing the overall capacity of the roadway.

5. In consultation with the Department, the Commission and Union Pacific, the Village has developed a comprehensive plan for improving the intersection (the "Intersection Improvement Project"), which improvements include a widening of the crossing, a reconfiguration of turn movements from US 14 and E. Davis Street and changes to the sequencing of the interconnected roadway traffic signals / railroad signals and gates.

6. Full details of the Intersection Improvement Project are set forth in the Plans for Proposed Federal Highway Aid – U.S. Route 14 (Northwest Highway), Davis Street and Arthur Avenue Railroad Grade Crossing Improvement and Traffic Signal Modification, dated March 16, 2007, prepared by Civiltech Engineering Inc. (the "Civiltech Plans"). Relevant excerpts of the Civiltech Plans are attached hereto as Exhibit B. A full set of the Civiltech Plans is available on request.

7. The Commission's approval of an Order that allows the Intersection Improvement Project as detailed in the Civiltech Plans is necessary to preserve and promote the safety and/or convenience of the public. Among other benefits, implementation of the Intersection

Improvement Project will: (i) improve the Level of Service at the intersection; (ii) reduce the number of automobile accidents at the intersection; and (iii) improve the flow of traffic across the railroad tracks and there by enhance the safety of both automobiles and train riders.


WHEREFORE, in accord with 625 ILCS 5/18c-7401(3), the Village requests that the Commission:

- (1) Find that Intersection Improvement Project as described in the Civiltech Plans is necessary to preserve and promote the safety and/or convenience of the public;
- (2) Issue an Order authorizing the Village and the Department to implement the Intersection Improvement Project as described in the Civiltech Plans.

Dated: November 6, 2008.

Respectfully submitted,

VILLAGE OF ARLINGTON HEIGHTS, a
municipal corporation, Petitioner,

By  _____
One of Its Attorneys

JACK M. SIEGEL
ADAM KINGSLEY
Holland & Knight LLP (#37472)
131 S. Dearborn Street
Chicago, IL 60603
312/578-6530

Verification

I, Adam M. Kingsley, attorney for the Village of Arlington Heights, verify that, to the best of my knowledge, all information set forth in the above Petition is true and correct.

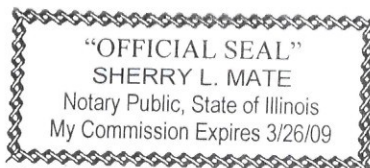


Adam M. Kingsley

Subscribed and sworn to me before
this 6TH day of November 2008



Notary Public



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